

रजिस्टर्ड नं० पी० 461.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, 25 फरवरी, 1972/6 फाल्गुन, 1893

GOVERNMENT OF HIMACHAL PRADESH

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 23rd February, 1972

No. 5-5/72-LR.—The Himachal Pradesh War Awards Ordinance, 1972 (Ordinance No. 1 of 1972), promulgated by the Governor of Himachal Pradesh on the 19th February, 1972, is hereby published in the Himachal Pradesh Government Rajpatra for the information of general public.

JOSEPH DINA NATH,
Under Secretary (Judicial).

Himachal Pradesh Ordinance No. 1 of 1972.

THE HIMACHAL PRADESH WAR AWARDS ORDINANCE, 1972

Promulgated by the Governor of Himachal Pradesh in the Twenty-third year of the Republic of India.

An ordinance to empower the Himachal Pradesh Government to award Jagirs to parents, whose children have served in the Armed Forces during the emergency declared under Article 352 of the Constitution of India on 26th October, 1962, or are serving or have served in the Armed Forces during the emergency declared under article 352 of the Constitution of India on 3rd December, 1971, or were enrolled or commissioned for service in His Majesty's Forces during the Second World War.

Whereas the Legislative Assembly of Himachal Pradesh is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Himachal Pradesh is pleased to make and promulgate the following Ordinance:—

Short title,
extent and
commence-
ment.

1. (1) This Ordinance may be called the Himachal Pradesh War Awards Ordinance, 1972.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

Definitions

2. In this Ordinance, unless there is anything repugnant in the subject or context;—

(a) 'eligible person' means—

(i) a citizen of India ordinarily residing in the State of Himachal Pradesh;—

(a) who is the father, or, where the father is dead, the mother, of the only son or only child who has served in the armed forces of the Union during the emergency declared by the President of India under Article 352 of the Constitution of India on the 26th October, 1962, or who is serving or has served in the armed forces of the Union during the emergency declared by the President of India under Article 352 of the Constitution of India on the 3rd December, 1971, but does not include a person who has for such reasons already received a land grant or other award from the Government of Himachal Pradesh of the Government of the State of Punjab as it existed before the re-organisation in the year 1966; or

(b) who is the father, or, where the father is dead, the mother, of only two sons or only two children both of whom have served in the armed forces of the Union during the emergency declared by the President of India under Article 352 of the Constitution of India on the 26th October, 1962, or both of whom are serving or have served in the armed forces of the Union during the emergency declared by the President of India on the 3rd December, 1971, but does not include a person who

has for such reasons already received a land grant or other award from the Government of Himachal Pradesh or the Government of the State of Punjab as it existed before the re-organisation in the year 1966; or

- (c) who is the father, or, where the father is dead, the mother, of three or more children who have served in the armed forces of the Union during the emergency declared by the President of India under Article 352 of the Constitution of India on the 26th October, 1962, or who is serving or has served in the armed forces of the Union during the emergency declared by the President of India under Article 352 of the Constitution of India on the 3rd December, 1971, but does not include a person who has for such reasons already received a land grant or other award from the Government of Himachal Pradesh or the Government of the State of Punjab as it existed before the re-organisation in the year 1966; or
- (ii) a citizen of India ordinarily residing in the State of Himachal Pradesh who is the father, or, where the father is dead, the mother, of three or more children who having been at any time enrolled or commissioned in forces which, before the 15th August, 1947, were referred to as His Majesty's Naval, Military or Air Forces or in the Forces maintained by any of the Indian States comprised in the State of Himachal Pradesh and who were liable to serve wherever required and have actually served in any of the said forces during the Second World War, but does not include any person who has, for such reasons, already received land grant or other award from the Government of Himachal Pradesh or the Government of the State of Punjab as it existed before the re-organisation in the year 1966 or the Government of any Indian State aforesaid.

(b) 'Government' means the Government of Himachal Pradesh.

(c) 'War Jagir' means a Jagir granted under this Ordinance.

3. Notwithstanding anything contained in any other law for the time being in force, the Government shall have the power to grant to a person, a War Jagir of the value of—

Creation
War Jagi

- (a) One hundred and fifty rupees per annum if he is an eligible person within the meaning of sub-clause (i) of clause (a) of section 2;
- (b) One hundred rupees per annum, if he is an eligible person within the meaning of sub-clause (ii) of clause (a) of section 2;

Provided that if the eligible person within the meaning of—

- (i) sub-clause (i)(c) of clause (a) of section 2 has more than three children who have served or are serving in the manner referred to in the said sub-clause, an additional amount of fifty rupees per annum may be granted for every such child exceeding three;
- (ii) sub-clause (ii) of clause (a) of section 2 has more than three children who were enrolled and commissioned and were liable to serve and have actually served, in the manner referred to in the said sub-clause, an additional amount of ten rupees per annum may be granted for every such child exceeding three:

Provided further that for the purposes of determining the eligibility of a person to the grant of a War Jagir under sub-clause (i) of clause (a) of section 2, no child of such person who has already made him eligible to the grant of a War Jagir under sub-clause (ii) of that clause, shall be taken into account.

Tenure of
War Jagirs.

4. A War Jagir shall, unless terminated wholly or partially for breach of any condition imposed under section 5, be tenable for the life-time of the grantee, but Government shall have power to terminate or reduce it if the grantee subsequently receives a land grant or other award on the same ground on which the War Jagir was granted to him:

Provided that a War Jagir granted to an eligible person, being the father, shall, on the death of the father, be tenable for life-time of the mother.

Power to
attach con-
ditions to
enjoyment
of War
Jagirs.

5. The Government may attach such conditions as it may deem fit to the enjoyment of any or all War Jagirs, and such conditions shall be communicated to the grantee at the time when the grant is made to him.

Exemption
of War
Jagir from
attachment.

6. No War Jagir shall be liable to seizure, attachment or sequestration by process of any court at the instance of a creditor for any demand against the grantee, or in satisfaction of a decree or order of any Court.

Savings.

7. Nothing in this Ordinance shall be deemed to affect the provisions of the Pensions Act, 1871, or of the Government Grants Act, 1895, so far as they are applicable to War Jagirs.

23 of 1871
15 of 1895

Certain
questions
to be refer-
red to Govt.
for final
decision.

8. If any question arises under this Ordinance:—

- (a) whether or not a person is an eligible person, or
- (b) whether or not a grantee has committed breach of any condition imposed under section 5, such question shall be referred to the Government whose decision thereon shall be final and conclusive and shall not be liable to be called in question in any Court.

Repeal and
Savings.

9. The East Punjab War Awards Act, 1948, as in force in the areas, added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, is hereby repealed:

22 of 1948

31 of 1966

Provided that the repeal shall not affect—

- (a) the previous operations of any such law so repealed or anything duly done or suffered thereunder; or
 - (b) any right, privilege, obligation or liability acquired, accrued under any law so repealed; or
 - (c) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability as aforesaid,
- and any such investigation, legal proceeding or remedy may be instituted, continued or enforced as if this Ordinance had not been promulgated:

Provided further that subject to the preceding proviso, anything done, or any action taken under the Act so repealed, so far as it is consistent with this Ordinance, shall be deemed to have done or taken under the corresponding provisions of this Ordinance.

S. CHAKRAVARTI,
Governor.

SIMLA:
THE 19TH FEBRUARY, 1972.

B. D. SHARMA,
Secretary (Law).

LAW DEPARTMENT
NOTIFICATION

Simla-2, the 23rd February, 1972

No. 5-6/72-LR.—The Himachal Pradesh Housing Board Ordinance, 1972 (Ordinance No. 2 of 1972) promulgated by the Governor of Himachal Pradesh on the 22nd February, 1972 is hereby published in the Himachal Pradesh Government Rajpatra for the information of general public.

JOSEPH DINA NATH,
Under Secretary (Judicial).

Himachal Pradesh Ordinance No. 2 of 1972.

THE HIMACHAL PRADESH HOUSING BOARD ORDINANCE, 1972

Promulgated by the Governor of Himachal Pradesh in the Twenty-third year of the Republic of India.

WHEREAS, the Himachal Pradesh Legislative Assembly is not in Session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Himachal Pradesh is pleased to promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

1. (1) This Ordinance may be called the Himachal Pradesh Housing Board Ordinance, 1972.

Short title
and commence-
ment.

(2) It extends to whole of the State of Himachal Pradesh.

(3) It shall come into force on such date as the State Government may appoint in this behalf.

2. (1) In this Ordinance, unless the context otherwise requires,—

Definitions

(a) “adjoining area” means such area as may be specified to be an adjoining area under section 27 of this Ordinance;

(b) “Board” means the Himachal Pradesh Housing Board constituted under section 3 of this Ordinance;

(c) “Board premises” means any premises belonging to, or vesting in, the Board or taken on lease by the Board or any premises which is entrusted to, or in the possession or control of, the Board for the purposes of this Ordinance;

(d) “building material” means such commodities or articles as are specified by the State Government by notification to be building materials for the purposes of this Ordinance;

(e) “bye-laws” means bye-laws made under section 54 of this Ordinance;

(f) “chairman” means the Chairman of the Board;

(g) “Committee” means any committee appointed under section 18 of this Ordinance;

(h) “Government or State Government” means the Government of the State of Himachal Pradesh;

(i) “housing scheme” means a housing scheme framed under this

Ordinance;

- (j) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;
- (k) "local authority" means a Municipal Corporation/Municipal Committee/Notified Area Committee established under the Capital of Himachal Pradesh (Development and Regulation) Act, 1968 and the Himachal Pradesh Municipal Act, 1968 or a Gram Panchayat, Panchayat Samiti, Zila Parishad respectively constituted under the Himachal Pradesh Panchayati Raj Act, 1968;
- (l) "master plan" means the master plan prepared and approved for any urban area by the Himachal Pradesh Government;
- (m) "members" means the chairman and other members of the Board;
- (n) "notification" means a notification published in the official gazette;
- (o) "premises" means any land whether used for agricultural purposes or non-agricultural purposes, or any building or part of a building and includes,—
 - (i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building; and
 - (ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;
- (p) "prescribed" means prescribed by rules;
- (q) "programme" means the annual housing programme prepared by the Board under this Ordinance;
- (r) "regulations" means the regulations made under section 53 of this Ordinance;
- (s) "rules" means rules made under section 52 of this Ordinance;
- (t) "secretary" means the secretary of the Board;
- (u) "year" means the year commencing on the 1st day of April and ending on the 31st day of March.

(2) All words and expression used but not defined in this Ordinance shall have the same meaning as are assigned to them by the Himachal Pradesh Municipal Act, 1968.

CHAPTER II

ESTABLISHMENT OF THE BOARD

Establishment and constitution of Board.

3. (1) With effect from such date as the State Government may, by notification appoint in this behalf, there shall be established for carrying out the purposes of this Ordinance a Board to be known as the "Himachal Pradesh Housing Board", with headquarters at such place as the State Government may specify.

(2) The Board shall, by the name of aforesaid, be a body corporate having perpetual succession and a common seal, and, subject to any restriction by or under this Ordinance or the rules made thereunder, shall have the power to acquire, hold, administer and transfer property, movable or immovable and to enter into contracts, and shall by the said name sue or be sued and do all such things as are necessary for which it is constituted.

(3) For the purposes of this Ordinance and the Land Acquisition Act, 1894, the Board shall be deemed to be a local body.

Explanation.—The purposes of this Ordinance referred to in sub-section (3) include the management and use of lands and buildings belonging to or vesting in the Board under or for the purposes of this Ordinance and the exercise of its rights over and with respect to such lands and building for

22 of 1968
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the purposes of this Ordinance.

(4) The Board shall consist of a chairman and 7 other members appointed by the State Government, namely:—

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|--|---------------------------|
| (a) Finance Secretary to Himachal Pradesh Government. | <i>ex-officio</i> member. |
| (b) Secretary (L.S.G.), to the Government of Himachal Pradesh. | <i>ex-officio</i> member. |
| (c) Chief Engineer (I), Himachal Pradesh, Public Works Department. | <i>ex-officio</i> member. |
| (d) Chief Engineer (II) Himachal Pradesh Public Works Department. | <i>ex-officio</i> member. |
| (e) 3 non-official members appointed by the State Government. | |

(5) The chairman or a member may at any time resign his office by submitting his resignation to the State Government:

Provided that the resignation shall not take effect until it is accepted.

(6) Until the Board is established and constituted in accordance with the provisions of the preceding sub-sections, the State Government may constitute a Board consisting of one person, who shall be an officer of the State Government, to be appointed by the State Government, and a Board so constituted shall, as from the commencement of this Ordinance and for a period not exceeding one year from such commencement, be deemed to be the Board established and constituted for the purpose of carrying out all the provisions of this Ordinance.

4. The Himachal Pradesh Urban Rent Control Act, 1971, shall not apply nor shall be deemed to have ever applied, to any land or building belonging to or vesting in the Board under or for the purposes of this Ordinance, and as against the Board to any tenancies or other like relationship created by the Board in respect of such land or building but shall apply to any land or building let to the Board.

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5. (1) The chairman and the non-official members of the Board shall hold office for a period of three years from the date of their appointment as chairman, or as the case may be, other members:

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Provided that the term of office of the chairman and the non-official members may be extended by the Government for a period not exceeding two years.

(2) The chairman and the non-official members shall on expiry of the term of their office be eligible for re-appointment.

6. (1) A person shall be disqualified for being appointed or for continuing as the Chairman or member of the Board; if he—

Disqu
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- has been convicted by a criminal court for an offence involving moral turpitude, unless such conviction has been set aside;
- is an undischarged insolvent;
- is of unsound mind;
- is an officer or servant under the Board;
- has directly or indirectly, by himself or by any partner, employer or employee, any share or interest in any contract or employment with, by or on behalf of the Board, or
- is a director or a secretary, manager or other salaried officer of any incorporated company which has any share or interest in any

contract or employment with, by or on behalf of the Board;
(g) is not a citizen of India.

(2) A person shall not, however, be disqualified under clause (e) or clause (f) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of those clauses, by reason only of his, or the incorporated company of which he is a director, secretary, manager or other salaried officer, having a share or interest in—

- (i) any sale, purchase, lease or exchange of immovable property or any agreement for the same;
- (ii) any agreement for the loan of money or any security for the payment of money only;
- (iii) any newspaper in which any advertisement relating to the affairs of the Board is inserted;
- (iv) the occasional sale to the Board up to a value not exceeding two thousand rupees in any one article in which he or the incorporated company regularly trades.

(3) A person shall not also be disqualified under clause (e) or clause (f) of sub-section (1) or be deemed to have any share or interest in any incorporated company which has any contract or employment with or on behalf of the Board by reason only of his being a share-holder of such company:

Provided that such person discloses to the Government the nature and extent of the share held by him.

Explanation.—For the purpose of clause (d) of sub-section (1), the Chairman or the Housing Board shall not be deemed to be an officer or servant under the Board.

7. (1) The Chairman shall be paid such remuneration and allowances as may, from time to time, be fixed by the Government.

(2) Every member shall receive such allowances as may be fixed by the Government.

(3) The allowances to the members and the remunerations to the Chairman shall be paid from the fund of the Board.

8. (1) The Government may, from time to time, grant to the chairman such leave as may be admissible under the rules.

(2) Whenever there is a temporary vacancy in the office of the Chairman, the Government may appoint a person to act as chairman during the period of such vacancy and shall pay to such person such remuneration and allowances as may be fixed by them. The person so appointed shall be deemed for all purposes of this Ordinance to be the chairman.

9. If a member,—

- (a) becomes subject to any of the disqualifications mentioned in section 6,
- (b) tenders his resignation in writing to the Government and the same is accepted, or
- (c) is absent without the permission of the Board from three consecutive meetings of the Board, he shall cease to be a member, from such date as the Government may declare.

10. Any vacancy of the Chairman or a member of the Board shall be filled in as early as practicable and the term of such appointment shall be for the remainder of the term of the chairman or the member, as the case may be:

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Provided that during any such vacancy, the continuing members may act, as if no vacancy had occurred.

11. No disqualification of or defect in the appointment of any person acting as chairman or a member of the Board shall be deemed to vitiate any act or proceeding of the Board, if such act or proceeding is otherwise in accordance with the provision of this Ordinance.

Proceedings presumed to be good and valid.

12. If any member of the Board other than the Chairman is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise not involving the vacation of his appointment, the State Government may appoint another person to officiate for him and carry out his functions under this Ordinance or any rule or regulation made thereunder.

Temporary absence of members.

13. (1) The State Government may appoint a secretary of the Board on such terms and conditions of service as it may deem fit.

Appointment of officers and servants and creation of posts.

(2) The Board may create such other posts and appoint such other officers and servants thereto as it may consider necessary for the efficient discharge of its duties:

Provided that the previous sanction of the State Government shall be necessary,—

(a) for the creation of any post if either the minimum of the pay scale of the post exceeds eight hundred rupees per month or the maximum of the pay scale thereof exceeds one thousand, two hundred and fifty rupees per month; or

(b) for the appointment, whether by promotion or otherwise of any person to such post if the initial pay thereof exceeds eight hundred rupees per month or the maximum of the pay scale of the post exceeds one thousand, two hundred and fifty rupees per month.

(3) Subject to the provisions of sub-section (1) the conditions of service, functions and duties of the officers and servants of the Board shall be such as may be determined by regulation.

14. The remuneration and other conditions of service of the officers and servants of the Board shall be such as may be determined by regulations.

Conditions of service of officers and servants.
Provident fund.

15. (1) The State Government shall establish contributory provident fund for the officers and servants of the Board and such provident fund shall be deemed to be a Government Provident Fund for the purposes of the Provident Funds Act, 1925, notwithstanding anything contained in section 8 thereof and such fund may be administered by such officers of the State Government, or of the Board, as the State Government may specify in that behalf.

(2) The Board shall, in respect of each of its employees who is a subscriber to the said fund, pay into the said fund such portion of the contribution in such manner as the State may, from time to time determine.

16. Before the first day of May of every year, the Board shall prepare and maintain a schedule of establishment as on the first day of April of that year showing,—

Preparation and maintenance of schedule of establishment.

(i) the number, designations and grades and scales of pay of the officers and servants (other than the employees who are paid by the day or whose pay is charged to any temporary work), whom it considers necessary and proper to employ for the purposes of this Ordinance;

- (ii) the amount and nature of the salary, fees and allowances to be paid by the Board to each such officer or servant; and
- (iii) the amount to be paid by the Board towards leave salary, pension, provident fund or any other purpose in respect of each such officer or servant.

General disqualification of all officers and servants.

17. No person who has directly or indirectly by himself or his partner or agent, any share or interest in any contract, by or on behalf of the Board, or in any employment under, by or on behalf of the Board otherwise than as an officer or servant thereof, shall become or remain an officer or servant of the Board.

Appointment of committees.

18. (1) Subject to any rules made in this behalf under this Ordinance, the Board may, from time to time, appoint one or more committees for the purpose of securing the efficient discharge of its functions and in particular for the purpose of securing that the said functions are discharged with due regard to the circumstances and requirements of particular local areas.

(2) Any Committee appointed under section (1) shall meet to discharge the functions assigned to it in such manner as may be directed by the Board.

CONDUCT OF BUSINESS

Meetings of the Board.

19. The Board shall meet and shall from time to time make such arrangements with respect to the day, time, notice, management and adjournment of its meetings as it thinks fit, subject to the following provisions, namely:—

- (a) an ordinary meeting shall be held once in every two months;
- (b) the chairman may, whenever he thinks fit, call special meetings;
- (c) every meeting shall be presided over by the chairman and in his absence by any member chosen by the meeting to preside for the occasion;
- (d) all questions at any meeting shall be decided by a majority of the members present and in case of equality of votes, the person presiding shall have and exercise a second or casting vote; and
- (e) the minutes of the proceedings of each meeting shall be recorded in a book to be provided for the purpose.

20. (1) The Board may associate with itself any person whose assistance or advice it may desire for carrying into effect any of the provisions of this Ordinance:

Provided that the number of persons so associated shall not be more than three.

(2) A person associated with the Board under sub-section (1) for any purpose shall have the right to take part in the deliberations of the Board relevant to that purpose but shall not have the right to vote.

(3) The State Government may, by order, depute its representatives to attend any meeting of the Board and to take part in the deliberations of the Board, on such items or subjects as the State Government may specify but such representations shall not have the right to vote.

21. The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Ordinance.

22. (1) Every contract shall be made on behalf of the Board by the Chairman:

Provided that,—

Temporary association of persons with the Board for particular purpose.

Power to make contracts.

Execution of contract.

- (a) no contract involving an expenditure of rupees ten lacs and more shall be made without the previous sanction of the State Government; and
- (b) no contract involving an expenditure of five thousand rupees and more shall, subject to clause (a) above be made without the previous sanction of the Board.

(2) Sub-section (1) shall apply to every variation or abandonment of a contract or estimate as well as to an original contract or estimate.

23. Subject to any rule which the State Government may make in this behalf the Board may by order direct that the power conferred on it under section 22 to sanction a contract shall be exercised by an officer specified by it in the order.

Delegation of the Board's power to sanction contract, Further provisions as to execution of contract

24. (1) Every contract by the chairman on behalf of the Board shall subject to the provisions of this section, be entered into in such manner and form as may be prescribed.

(2) A contract not executed as provided in this section and the rules made thereunder shall not be binding on the Board.

CHAPTER III HOUSING SCHEMES

25. (1) Subject to the provisions of this Ordinance and subject to the control of the State Government, the Board may from time to time incur expenditure and undertake works in any area in which this Ordinance is in force for the framing and execution of such housing schemes as it may consider necessary.

Powers and duties of the Board to undertake housing scheme

(2) The housing scheme may be of one of the following types or combination of any two or more of such types or of any special features thereof, namely,—

- (a) a house accommodation scheme;
- (b) a city or town or village scheme;
- (c) a land development scheme;
- (d) a subsidised industrial housing scheme.

(3) The State Government may, on such terms and conditions as it may think fit to impose, entrust to the Board the framing and execution of any housing scheme whether provided for by this Ordinance or not, and the Board shall thereupon undertake the framing and execution of such scheme as if it had been provided for by this Ordinance.

(4) The Board may, on such terms and conditions as may be agreed upon and with the previous approval of the State Government, take over for execution any housing scheme on behalf of a local authority or co-operative society or on behalf of an employer when the houses are to be built mainly for the residence of his employees, and the Board shall execute such schemes as if it had been provided for by this Ordinance.

26. The Board shall, as soon as it frames and decides to execute any scheme either at its own instance or at the instance of the State Government or a local authority, the State Government may, at the request of the Board, publish a notification in the official Gazette giving particulars and specifications of the scheme and declaring that the Board has decided to frame and execute the scheme together with a notice inviting every person interested to see the detailed plans and specifications of the scheme in the office of the Board on any working day within one month of the publication of the notice

Ban on new constructions or alterations in the proposed scheme area.

and upon such publication of such notification together with the notice as aforesaid, no person shall make any new construction in the area covered by the scheme or make any additions or alterations in any existing structure in the scheme area without the writing permission of the Board.

Matters to be provided for by housing schemes.

27. Notwithstanding anything contained in any other law for the time being in force, a housing scheme may provide for all or any of the following matters, namely:—

- (a) acquisition by purchase, exchange or otherwise of any property necessary for or affected by the execution of the scheme;
- (b) acquisition by purchase, exchange or otherwise of any land, division of the same into plots and the sale thereof after developing it or otherwise to co-operative societies or other persons, in accordance with the scheme;
- (c) laying or relaying out of any land comprised in the scheme;
- (d) distribution or re-distribution of sites belonging to owners of property comprised in the scheme;
- (e) the closure or demolition of dwellings of portions of dwellings unfit for human habitation;
- (f) demolition of obstructive buildings or portions of buildings;
- (g) the construction and re-construction of buildings, their maintenance and preservation;
- (h) sale, letting or exchange of any property comprised in the scheme;
- (i) construction and alteration of streets and back lanes;
- (j) drainage, water-supply and lighting of the area included in the scheme;
- (k) parks, playing fields and open spaces for the benefit of any area comprised in the scheme and the enlargement of existing parks; playing-fields, open spaces and approaches;
- (l) sanitary arrangements required for the area comprised in the scheme including the conservation and prevention of any injury or contamination to rivers or other sources and means of water supply;
- (m) accommodation for any class of inhabitants, industries, institutions, offices, local authorities, co-operatives or corporate bodies;
- (n) advance of money for the purpose of the scheme;
- (o) facilities for communication and transport;
- (p) collection of such information and statistics as may be necessary for the purpose of this Act; and
- (q) any other matter for which, in the opinion of the State Government, it is expedient to make provision with a view to provide housing accommodation and or to the improvement or development of any area comprised in the scheme or any adjoining area or the general efficiency of the scheme.

Explanation.—For the purposes of this section the State Government may on the recommendations of the Board, by notification, specify area surrounding or adjoining the area included in a housing scheme to be the adjoining area.

Preparation and submission of annual housing programme budget and establishment schedule.

28. (1) Before the first day of January, in each year the chairman shall prepare and forward to the State Government in such form as may be prescribed after having the same got approved by the Board at a special meeting,—

- (i) a programme;
- (ii) a budget for the next year; and
- (iii) a schedule of the staff of officers and servants already employed and to be employed during the next year.

(2) The programme shall contain,—

- (i) such particulars of housing schemes which the board proposes to execute whether in part or whole during the next year as may be prescribed;
- (ii) the particulars of any undertaking which the board proposes to organise or execute during the next year for the purposes of the production of building materials; and
- (iii) such other particulars as may be prescribed.

(3) The budget shall contain a statement showing the estimates receipts and expenditure on capital and revenue accounts for the next year.

29. The State Government may sanction the programme, budget and the schedule of the staff of officers and servants forwarded to it with such modification as it deems fit.

Sanction to programme, budget and establishment schedule.

30. The State Government shall publish the programme sanctioned by it under section 29 in the official Gazette.

Publication of sanctioned programme.

31. The Board may, at any time, during the year, in respect of which a programme has been sanctioned under section 29 submit a supplementary programme and budget and the additional schedule of the staff, if any, to the State Government and the provisions of sections 29 and 30 shall apply to such supplementary programme.

Supplementary programme and budget.

32. The Board may, at any time, vary any programme or any part thereof sanctioned by the State Government:

Variation of programme by board after it has been sanctioned.

Provided that no such variation shall be made if it involves an expenditure in excess of ten per cent of the amount as originally sanctioned for the execution of any housing scheme included in such programme or affects its scope or purpose.

33. After the programme has been sanctioned and published by the State Government under section 29 and 30 the Board shall, subject to the provisions of section 32, proceed to execute the housing schemes included in the programme.

Sanctioned housing scheme to be executed.

34. (1) Before proceeding to execute any housing scheme under section 33 the Board shall by notification publish the scheme. The notification shall specify that the plan showing the area which is proposed to be included in the housing scheme and the surrounding lands shall be open to inspection of the public at all reasonable hours at the office of the Board.

Publication of housing scheme in the official Gazette.

(2) If within two weeks from the date of the publication of the housing scheme any person communicates in writing to the Board any suggestion or objection relating to the scheme, the Board shall consider such suggestion or objection and may modify the scheme as it thinks fit.

(3) The Board shall then by notification publish the final scheme. The notification shall specify that the plan showing the area included in the final schemes and the surrounding lands and other particulars as may be prescribed shall be open to inspection of the public at all reasonable hours at the office of the Board.

(4) The publication of a notification under sub-section (3) shall be conclusive evidence that the said scheme has been framed.

Transfer to the Board for purchase of housing scheme of land vested in a local authority.

35. (1) Whenever any street, square or other land, or any part thereof, situated in any area of a local authority and vested in a local authority is required for the purposes of any housing scheme included in the budget approved by the State Government, the Board shall give notice to the local authority concerned to transfer to it the required street, square or other land, or any part thereof as the case may be.

(2) Where the local authority concurs such street, square or other land, a part thereof, shall vest in the Board.

(3) Where there is any dispute, the matter shall be referred to the State Government. The State Government shall after hearing the local authority concerned decide the matter. The decision of the State Government shall be final. If the State Government decides that such street, square, land or part thereof, shall vest in the Board, it shall vest accordingly.

(4) The vesting of street, square, land or a part thereof under sub-section (2) and (3) of the section shall be notified in the official gazette.

(5) Nothing in this section shall affect the duties and obligations of the local authority in respect of such street, square or land and the local authority concerned shall be liable to render all the municipal services usually provided by it in the land vested in the Board under this section notwithstanding such vesting.

(6) Nothing in the section shall affect the rights or powers of the local authority in or over any drain or water works in such street, square or land.

Power of the Board to turn or close public street vested in it.

36. (1) The Board may turn, divert, discontinue the public use of or permanently close, any public street or a part thereof vested in it.

(2) Whenever the Board discontinues the public use of, or permanently close any public street or any part thereof vested in it, it shall as far as practicable, provide some other reasonable means of access to be substituted in lieu of the use, by those entitled of the street or part thereof.

(3) When any public street vested in the Board is permanently closed under sub-section (1), the Board may sell or lease so much of the same as is no longer required.

Vesting in local authority of streets laid out or altered and open space provided by the Board under housing scheme.

37. (1) Whenever the State Government is satisfied—

(a) that any street laid out or altered by the Board has been duly levelled, paved, metalled, flagged, channelled, sewered and drained as required for the housing scheme approved by the State Government under section 29;

(b) that such lamps, lamp posts and other apparatus as the local authority concerned considers necessary for the lighting of such street and as ought to be provided by the Board have been so provided; and

(c) that water and other sanitary conveniences have been duly provided in such street, it may declare the street, to be a public street, and the street shall thereupon vest in the local authority concerned and shall thenceforth be maintained, kept in repairs, lighted and cleaned by the local authority concerned.

(2) When any open space for purposes of ventilation or recreation has been provided by the Board in executing any housing scheme, the Board may at its option by resolution transfer such open space to the local authority concerned on completion of the scheme and thereupon such open space shall vest in and be maintained at the expenses of the local authority:

Provided that the local authority may require the Board before any such open space is so transferred to enclose, level, turf, drain and layout such space and provide foot paths therein and if necessary, to provide

lamps and other apparatus for lighting it.

(3) If any difference of opinion arises between the Board and local authorities in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the State Government whose decision thereon shall be final.

38. (1) It shall be the duty of the Board to take necessary measures to maintain, allot, lease and otherwise use the Board premises and to collect rents, compensation and damages in respect thereof.

Other duties of the Board.

(2) The Board may,—

- (i) provide technical advice to the State Government and scrutinise projects under housing schemes in the area to which this Ordinance extends, when required by the State Government to do so;
- (ii) undertake research on various problems connected with housing in general and find out in particular the economical methods of constructing houses suited to local conditions;
- (iii) undertake comprehensive surveys of problems of housing; and
- (iv) do all things for—
 - (a) unification, simplification and standardisation of building materials,
 - (b) encouraging prefabrication and mass production of house components;
 - (c) organisation or undertaking the production of building materials for residential or non-residential houses; and
 - (d) securing a steady and sufficient supply of workmen trained in the work of construction of buildings.

39. The State Government may by general or special order published in the official Gazette, exempt any housing scheme undertaken by the Board from all or any of the provisions of sections 28 to 33 (both inclusive) subject to such conditions, if any, as it may impose or may direct that any such provision shall apply to such scheme with such modifications as may be specified in the order.

Power to exempt schemes from provisions of sections 28 to 33.

CHAPTER IV

FINANCE ACCOUNTS AND AUDIT

40. (1) The Board shall have its own fund.

Board's fund.

(2) The Board may accept grants, subventions, donations and gifts from the Central or State Governments or a local authority or any individual or body, whether incorporated or not for all or any of the purposes of this Ordinance.

(3) The State Government may every year make a grant to the Board of a sum equivalent to the administrative expenses of the Board:

Provided that the amount of such grant may be reduced or discontinued to the extent the financial position of the Board warrants.

(4) All moneys received by or on behalf of the Board by virtue of this Ordinance, all proceeds of land or any other kind of property sold by the Board, all rents and all interests, profits and other moneys accruing to the Board shall constitute the fund of the Board.

(5) Except as otherwise directed by the State Government all moneys and receipts specified in the foregoing provisions and forming part of the fund of

the Board shall be deposited in the State Bank of India or in any Nationalised Bank or invested in such securities as may be approved by the State Government.

(6) Such account shall be operated upon by such officers as may be authorised by the Board.

Application of the fund. 41. All property, fund and all other assets vesting in the Board shall be held and applied by it, subject to the provisions and for the purposes of this Ordinance.

Expenditure in case of urgency. 42. (1) Where in the opinion of the Board, circumstances of extreme urgency have arisen, it shall be lawful for the Board to make in any year,—

(a) recurring expenditure not exceeding twenty five thousand rupees; and

(b) non-recurring expenditure not exceeding one lac rupees.

(2) Where any sum is expended under circumstances of extreme urgency as provided in sub-section (1), a report thereof indicating the source from which it is proposed to meet the expenditure shall be made by the Board as soon as practicable to the State Government.

Subventions and loans to the Board. 43. (1) The State Government may, from time to time, make subventions to the Board for the purposes of this Ordinance on such terms and conditions as the State Government may determine.

(2) The State Government may, from time to time, advance loans to the Board on such terms and conditions not inconsistent with the provisions of this Ordinance as the State Government may determine.

Power of the Board to borrow. 44. (1) The Board may, from time to time with the previous sanction of the State Government and subject to the provisions of this Ordinance and to such conditions as may be prescribed in this behalf, borrow any sum required for the purposes of this Ordinance.

(2) The rules made by the State Government for the purposes of this section may empower the Board to borrow by issue of debentures and to make arrangements with bankers or the Life Insurance Corporation of India.

(3) All debentures issued by the Board shall be in such form as the Board, with the sanction of the State Government may, from time to time, determine.

(4) Every debenture shall be signed by the Chairman and one other member of the Board.

(5) Loans borrowed and debentures issued under this section may be guaranteed by the State Government as to the repayment of principal and the payment of interest at such rate as may be fixed by the State Government.

Accounts and audit. 45. (1) The Board shall cause to be maintained proper books of accounts and such other books as the rules may require and shall prepare in accordance with the rules and annual statement of accounts.

(2) The housing Board accounts shall, from time to time, once in every year be audited by the Examiner of Local Fund Audit or by such persons as the State Government may direct.

(3) As soon as the accounts of the Board have been audited, the Board shall send a copy thereof together with a copy of the report of the auditor thereon to the State Government and shall cause the accounts to be published in the prescribed manner and place copies thereof on sale at a reasonable price.

(4) The Board shall comply with such directions as the State Government may after perusal of the report of auditor, think fit to issue.

46. (1) Notwithstanding anything contained in section 45, the State Government may order that there shall be a concurrent audit of the accounts of the Board by such person as it thinks fit. The State Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Board relating to any particular transaction or a class or series of transactions or to a particular period.

Current and special audits of accounts.

(2) Where an order is made under sub-section (1), the board shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1) such information as the said person may require for the purpose of audit and remedy or cause to be remedied the defects pointed out by such person, unless they are condoned by the State Government.

CHAPTER V

MISCELLANEOUS

47. The Board shall, before such date in such form and at such intervals as may be prescribed submit to the State Government a report on such matters as may be prescribed.

Reports

48. The Board shall also submit to the State Government such statistics, returns, particulars, statements, documents or papers in regard to any proposed or existing scheme or relating to any matter or proceedings connected with the working of the Board at such times and in such form and manner as may be prescribed or as the State Government may from time to time direct.

Other statements and returns.

49. The chairman or any person either, generally or specially authorised by the chairman in this behalf may, with or without assistants or workmen, enter into or upon any land, in order—

Power of entry.

(a) to make any inspection, survey, measurement, valuation or enquiry;

(b) to take levels;

(c) to dig or bore into the sub-soil;

(d) to set boundaries and intended lines of work;

(e) to make such levels, boundaries and lines of work and cutting trenches; or

(f) to do any other thing;

whenever it is necessary to do so for any of the purposes of this Ordinance or any rules made or schemes sanctioned thereunder;

Provided that,—

(i) no such entry shall be made between sunset and sun rise;

(ii) no dwelling house and no public building which is used as a dwelling place, shall be so entered unless with the consent of the occupier thereof and without giving the said occupier at least twenty-four hours previous written notice of the intention to make such entry;

(iii) sufficient notice shall in every instance be given even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove themselves to some part of the premises where their privacy may not be disturbed; and

(iv) due regard shall always be had so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

50. No person shall commence any suit against the Board or against any officer or servant of the Board for anything done or purporting to have been done in pursuance of this Ordinance, without giving to the Board, officer or servant or person two months' previous notice in writing of the

Notice of suit against the Board.

intended suit and of the cause thereof, nor after six months from the date of the act complained of.

Valuation
of assets and
liabilities of
the Board.

51. The Board shall at the end of every five years, have a valuation of its assets and liabilities made by a valuer appointed with the approval of the State Government:

Provided that it shall be open to the State Government to direct a valuation to be made at any time it may consider necessary.

Power to
make rules.

52. (1) The State Government may, by notification in the official Gazette make rules for carrying out the purposes of this Ordinance.

(2) All rules made under this Ordinance shall be subject to previous publication.

(3) In particular and without prejudice to the generality of the foregoing power such rules may be made for all or any of the following purposes, namely:—

- (a) the allowances of members and remuneration and conditions of service of the chairman;
- (b) the rates of subscriptions and contributions and other conditions of the provident fund established under section 15;
- (c) the manner and form in which contracts shall be entered into under section 24;
- (d) the form of the annual budget to be laid before the Board under section 28 and the other particulars to be contained therein;
- (e) the manner of publication of housing schemes included in the budget under section 29;
- (f) the condition subject to which the Board may borrow any sum under section 44;
- (g) the manner of preparation, maintenance and publication of accounts under section 45;
- (h) the date before which, the form in which, the interval at which and the matters on which reports shall be submitted under section 47;
- (i) the time at which and the form and manner in which statistics, returns, particulars, statements, documents and papers shall be submitted under section 48;
- (j) the manner in which the Board shall be superseded and reconstituted under section 61; and
- (k) any other matter which is or may be prescribed under this Ordinance.

(4) All rules made under this Ordinance shall be laid as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and, if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

Power to
make
regulations.

53. (1) The Board may, from time to time, with the previous sanction of the State Government, make regulations consistent with this Ordinance and with any rules made under this Ordinance,—

- (a) for the management and use of buildings constructed under any housing scheme;

- (b) the principles to be followed in allotment of tenements and premises;
- (c) the remuneration and conditions of service of the chairman, member and other officers and servants of the Board under section 14;
- (d) for regulating its procedure and the disposal of its business.

(2) If it appears to the State Government that it is necessary or desirable for carrying out the purposes of this Ordinance to make any regulation in respect of matters specified in sub-section (1) or to amend any regulation made under that sub-section, it may call upon the Board to make such regulation or amendment within such time as it may specify. If the Board fails to make such regulation or amendment within the time specified, the State Government may itself make such regulation or amendment and the regulation or the amendment so made shall be deemed to have been made by the Board under sub-section (1).

54. (1) The Board may make bye-laws, not inconsistent with this Ordinance which may be necessary or expedient for the purpose of carrying out its duties and functions under this Ordinance.

Power to make bye-laws.

(2) A bye-law made under this section may provide that contravention thereof shall be an offence.

(3) A bye-law made under this section may provide for any matter covered by a bye-law made under the Himachal Pradesh, Municipal Act, 1968 and on publication of such bye-laws, any bye-law made under sections 198 and 200 of the said Act shall cease to have effect as respects the matters covered by the bye-law made under this section, in the area where such bye-laws shall apply.

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(4) No bye-law made by the Board shall come into force until it has been confirmed by the State Government with or without modification.

(5) All bye-laws made under this section shall be published in the official Gazette.

55. Whoever contravenes a bye-law made under section 54 shall, on conviction be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

Penalty for contravention of bye-laws.

56. If any person—

(a) obstructs or molests any person with whom the Board has entered into a contract, in the performance of execution by such person of his duty or of anything which is empowered or required to do under this Ordinance; or

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of work authorised under this Ordinance. He shall on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty for obstructing.

57. Unless otherwise expressly provided, no court shall take cognisance of any offence punishable under this Ordinance except on the complaint of, or upon information received from, the Board or some person authorised by the Board by a general or special order in this behalf.

Authority for prosecution.

Members,
Officers and
servants of
the Board
to be
public ser-
vants.

58. All members, officers and servants of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Ordinance, to be public servants within the meaning of section 21 of the Indian Penal Code.

Protection of
action taken
under this
Ordinance.

59. No suit, prosecution or other legal proceeding shall lie against any person for any thing which is in good faith done or purported to be done under this Ordinance.

Govern-
ment's power
to give
directions to
the Board.

60. The State Government may give the Board such directions as in its opinion are necessary or expedient for carrying out the purpose of this Ordinance, and it shall be the duty of the Board to comply with such directions.

Default in
performance
of duty.

61. (1) If the State Government is satisfied that the Board has made default in performing any duty imposed on it by or under this Ordinance, it may fix a period for the performance of that duty.

(2) If in the opinion of the State Government that Board fails or neglects to perform such duty within the period so fixed for its performance, it shall be lawful for the State Government notwithstanding anything contained in section 5, to supersede and reconstitute the Board in the prescribed manner.

(3) After the supersession of the Board and until it is reconstituted, the powers, duties and functions of the Board under this Ordinance shall be carried on by the State Government or by such officer or officers as the State Government may appoint for this purpose.

Dissolution
of the
Board.

62. (1) The State Government may, by notification in the official Gazette, declare that with effect from such date as may be specified in the notification the Board shall be dissolved.

(2) With effect from the date specified in the notification under sub-section (1)—

- (a) all properties, funds and dues which are vested in or realizable by the Board shall vest in and be realizable by the State Government;
- (b) all liabilities enforceable against the Board shall be enforceable against the State Government to the extent of the properties, funds and dues vested in and realized by the State Government.

(3) Nothing in this section shall effect the liability of the State Government in respect of loans or debentures guaranteed under sub-section (5) of section 44.

S. CHAKRAVARTI,
Governor.

SIMLA:
THE 22ND FEBRUARY, 1972.

B. D. SHARMA,
Secretary.